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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,066	09/28/2000	Charles P. Roth	10559-293001/P9300-ADI	2845

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EXAMINER
MEONSKE, TONIA L

ART UNIT	PAPER NUMBER
2183	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/675,066	ROTH ET AL.
Office Action Summary	Examiner	Art Unit	
	Tonia L Meonske	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 November 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5-16,18-26,28,29 and 31-39_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,5-16,18-26,28,29 and 31-39_ is/are rejected.

7)☒ Claim(s) _17_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-2, 5-16, 18-26, 28, 29, 31-34, and 36-39 are rejected under 35 U.S.C. 102(e) as

being clearly anticipated by Alidina et al., US Patent 5,991,785.

3.   The rejections are respectfully maintained and incorporated by reference as set forth in

the last office action, mailed on August 13, 2004.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alidina et al., US

Patent 5,991,785, in view of Simultaneous Address Relocation and Correction, IBM Technical

Disclosure Bulletin, November 1964, Volumn 7, issue 6 (herein after "IBM"). Aldina et al. have

taught the method of claim 1, comprising determining an address of an extreme value based on a

value in a pointer register. Aldina et al. have not specifically taught that the determining is based

on a correction factor to compensate for one or more errors. However, IBM has taught

determining an address based on a correction factor to compensate for one or more errors (IBM,

third paragraph) for the desirable purpose of correcting addresses that must be corrected caused

by certain machine functions. Therefore it would have been obvious to one of ordinary skill in

the art at the time the invention was made to have the determining in Aldina et al. be based on a

correction factor to compensate for one or more errors, as taught by IBM, for the desirable

purpose of correcting addresses that must be corrected caused by certain machine functions

(IBM, third paragraph).

Response to Arguments

6.   Applicant's arguments filed with respect to claims 1-3, 5-16, 18-26, 28, 29, 31-34, and

36-39 on November 15, 2004 have been fully considered but they are not persuasive.

7.   On pages 14 and 15, Applicant argues in essence:

> *"Aldina neither teaches nor suggests "pointer registers to store addresses of extreme data quantities in the array of N data elements," as recited in claim 1. ... That is Aldina does not use pointer registers pointing to an address of an extreme value in the array. Instead, Aldina tracks the counting variable "i," which is related to the relative position in the array which has the extreme value."*

However, Aldina has taught pointer registers to store addresses of extreme data quantities

in the array of N data elements. An address is merely a location in a memory. In Aldina,

the array data in memory is the memory (column 4, lines 22-34). In Aldina

MIN_INDEX is the location, or address, of the extreme value (column 4, lines 22-34).

So Aldina has in fact taught pointer registers to store addresses (MIN_INDEX is a

location in the array data memory) of extreme data quantities (column 4, lines 22-34) in

the array of N data elements (Column 4, lines 37-40). Therefore this argument is moot.

8.   On page 15, Applicant argues in essence:

"Further it would not have been obvious to modify Aldina to use pointer registers rather than storing the counting variable "i" to determine location information. There is no motivation to do so."

However, there is no need to modify Aldina to use pointer registers as Aldina has taught

the register pointers as claimed. See the previous argument above. Therefore this

argument is moot.

9.   On page 17, Applicant argues in essence:

"Claims 37 and 38 are further patentable because Aldina neither teaches not suggests identifying a location of a last occurrence of a minimum or maximum in an array. Aldina teaches identifying the location of a first occurrence of a minimum or maximum in an array. In Aldina, the counter is updated as the elements of the array are compared to the running extremum. When an element replaces the current running extremum, the value of the counter corresponding to that element is stored. At the end of the comparison, if the extreme value occurs more than once in the array, only the location of its first occurrence is determined."

Applicant may be correct in that if the extreme value occurs more than once in the array,

only the location of its first occurrence is determined. However, in Aldina, when the

extreme value occurs only once in the array, then Aldina has taught a position of a last

occurrence of a minimum value in the array (Column 4, line 22-column 5, line 44).

Therefore this argument is moot.

Allowable Subject Matter

10.   Claim 17 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

12.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
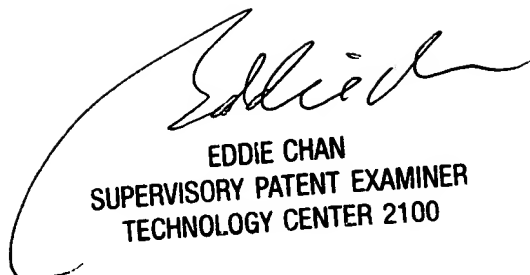
date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tonia L Meonske whose telephone number is (571) 272-4170.

The examiner can normally be reached on Monday-Friday, 8-4:30.

14.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eddie P Chan can be reached on (571) 272-4162. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

15.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm

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